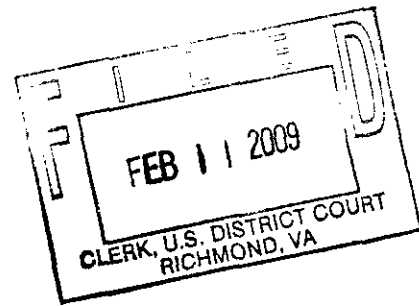


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**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF VIRGINIA**

In re:	)	
	)	
Florida Power and Light Company, et al.	)	
	)	
v.	)	Case No. 3:08cv846
	)	(Appeal from Bankruptcy Court)
Circuit City Stores, Inc. et al.	)	

**STIPULATION OF DISMISSAL**

WHEREAS, on November 24, 2008, Appellants Florida Power & Light Company, Potomac Electric Power Company ("Pepco"), Delmarva Power & Light Company ("Delmarva"), Atlantic City Electric Company, Central Maine Power Company, and Alabama Power Company ("APCO") (hereinafter collectively the "Appellant Utilities") filed a notice of appeal of the Order Under Bankruptcy Code Sections 105, 363 and 366 and Bankruptcy Rule 6003 (Docket No. 117); and

WHEREAS, the issues on appeal have been resolved by agreements between each of the Appellant Utilities and the Appellees, and pursuant to those agreements, the Appellant Utilities have agreed to dismiss the appeal.

NOW THEREFORE, the parties hereby stipulate, by and through undersigned counsel, that the appeal shall be dismissed, with each party to bear its own costs and attorney fees.

Date: February 6, 2009

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/s/Kevin R. McCarthy

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IT IS SO ORDERED this 10<sup>th</sup> day of February, 2009.

/s/  
James R. Speneer  
Chief United States District Judge